

Charter amendments on 2002 general election ballot (Questions A-C)

Question A

Charter amendment by act of County Council

Special Legal Counsel

Amend Section 108 of the County Charter to allow the Council by law to authorize special legal counsel to advise, assist, or represent any office of the legislative branch without the approval or supervision of the County Attorney.

FOR

AGAINST

Text of amendment:

The County Council proposes to amend Section 108 of the Charter of Montgomery County as follows:

SECTION 108

OFFICERS OF THE COUNCIL

The Council shall elect, from among its members, a President of the Council, who shall preside over meetings of the Council. The Council may provide for the selection of such other officers or employees as it may deem desirable for the exercise of its powers. The Council may [temporarily] employ or retain special legal counsel to assist it in the exercise of its powers, and may provide by law for special legal counsel to assist, advise, or represent any office of the legislative branch in the exercise of its duties. Any special legal counsel employed or retained under this section shall be subject to appropriation and is not subject to Section 213.

Question B

Charter amendment by act of County Council

Open Meetings, Public Information - Consistency with State Laws

Amend Sections 109 and 505 of the County Charter to confirm that:

-- the County Council may meet in closed sessions only when expressly allowed by its own rules of procedure;

-- the Council rules of procedure must allow the same or greater public access to Council sessions as the state Open Meetings Act; and

-- the County government may exempt from disclosure public records that the state Public Information Act or another applicable state or federal law requires or allows to be exempted.

FOR

AGAINST

Text of amendment:

The County Council proposes to amend Sections 109 and 505 of the Charter of Montgomery County as follows:

SECTION 109

SESSIONS

The first and third Tuesdays of each month, and such additional days as the Council may determine, are designated as days for the enactment of legislation, but [in no event shall] the Council shall not sit for more than forty-five days in each year for the purpose of enacting legislation. When a first or third Tuesday is an official holiday, the next succeeding Tuesday business day shall be a day for the enactment of legislation. The Council may sit in nonlegislative sessions at such other times as it may determine. In [such] nonlegislative sessions, the Council may adopt rules and regulations which implement or provide for the administration or execution of legislation under [such] procedures and provisions for notice and hearing [as may be] prescribed by law. [No business shall be transacted, or any appointments made, or nominations confirmed.] The Council shall not take or discuss any action except in public session or in a closed session expressly allowed by the Council rules of procedure. The Council rules of procedure shall permit the same or greater public access to Council sessions as the state Open Meetings Act or any successor state law. The Council shall not make or confirm any appointment in a closed session.

SECTION 505

RIGHT TO INFORMATION

Any person shall have the right to inspect any document held by County government, except confidential police records, personnel records, [or] records of a confidential [private] nature as defined by law, or records that are or may be exempted from disclosure under the state Public Information Act or other applicable state or federal law. The Council may adopt reasonable regulations for such inspection. A certified copy of any such document shall be furnished upon payment of a reasonable fee established by such regulations. This section shall not apply to a document or other material obtained or prepared in anticipation of litigation or for use in legal proceedings to which the County is a party.

Question C

Charter amendment by act of County Council

Expedited Legislation

Amend Sections 111, 112, 113, and 115 of the County Charter to retitle "emergency" legislation as "expedited" legislation, delete the requirement for a declaration of emergency, broaden the reasons the Council may enact expedited legislation, and modernize language and punctuation.

FOR AGAINST

Text of amendment:

The County Council proposes to amend Sections 111, 112, 113, and 115 of the Charter of Montgomery County as follows:

SECTION 111

ENACTMENT OF LEGISLATION

The Council shall enact legislation only after public hearing upon reasonable notice. No legislation shall be enacted by the Council unless it receives the affirmative vote of five members of the Council. Legislation [declaring an emergency and] containing a section declaring that it is necessary for the immediate protection of the public health, [or] safety, or interest, and enacted by the affirmative vote of at least six members of the Council, shall be [emergency] expedited legislation. Expedited legislation, as defined in this section, is the emergency legislation referred to in Article XI-A, Section 3, of the Constitution of Maryland. Any vote cast by a member on any legislation shall be recorded in the journal of the Council.

SECTION 112

EFFECTIVE DATE OF LEGISLATION

All legislation, except [emergency] expedited legislation, shall take effect ninety-one days [following] after the date [on which] when it [shall become] becomes law, unless a later effective [day] date is prescribed in the legislation. [Emergency] Expedited legislation shall take effect on the date [on which] when it [shall become] becomes law, unless a different effective date is prescribed in the legislation.

SECTION 113

PUBLICATION OF LEGISLATION

All legislation shall be published as required by the Constitution and laws of Maryland. In addition, a summary of any legislation, except [emergency] expedited legislation, enacted by the Council shall be published [prior to] before the date [on which] when it [becomes effective] takes effect, in such manner as the Council shall prescribe by law. A summary of [emergency] expedited legislation shall be published promptly after enactment.

SECTION 115

REFERENDUM PROCEDURE

Any petition to refer legislation to the voters of the County shall be filed with the Board [of Supervisors] of Elections within ninety days [following] after the date [on which] when the legislation [shall become] becomes law, provided that fifty percent of the required signatures accompanying the petition are filed within seventy-five days [following] after the date [on which] when the legislation becomes law. When a referendum petition that contains the required signatures has been filed, the legislation to be referred shall not take effect until thirty days after its approval by a majority of the registered voters [of the County] voting thereon. [Emergency] Expedited legislation shall remain in [force] effect from the date it [shall become] becomes law notwithstanding the filing of a petition for referendum, but shall [stand] be repealed thirty days after its rejection by a majority of the registered voters voting thereon.

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